

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES BONINI
CLERK

2012 APR 11 AM 11:26

PAM ALESHIRE

Plaintiff,

vs.

FINANCIAL RECOVERY SERVICES, INC.

Defendant,

Civil Action No.

2:12 cv 314

JUDGE MADDLEY

MAGISTRATE JUDGE ABEL

COMPLAINT AND DEMAND FOR JURY TRIAL

PAM ALESHIRE, ("Plaintiff"), through the undersigned counsel, SHAWN CORMIER-WARREN, alleges the following against FINANCIAL RECOVERY SERVICES, INC. ("Defendant"):

INTRODUCTION

1. This is an action for actual and statutory damages brought by plaintiff Pam Aleshire, an individual consumer, against defendant Financial Recovery Services, Inc. for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 and § 1331. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff, Pam Aleshire (hereinafter “Pam”) is a consumer, a natural person allegedly obligated to pay any debt, residing in the state of Ohio.

4. Defendant, Financial Recovery Services, Inc. is a corporation engaged in the business of collecting debt in this state with its principal place of business located in Contra Costa County at 2010 Crow Canyon Pl # 300, San Ramon, CA 94583. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant called Pam, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Upon information and belief, Defendant began contacting Pam and placing collection calls to her sometime prior to March 17 of 2012.

9. Upon information and belief, Defendant, within one year form the filing of this complaint, lied to and/or mislead Pam, by threatening to sue her and garnish her wages, when it does not have a judgment against her from which to seek wage garnishment, and does not have the requisite legal standing to enable it to sue her; only the current creditor has the requisite legal standing to sue her.

10. As a result of the acts alleged above, Pam suffered emotional distress resulting in her feeling stressed, anxiety, amongst other negative emotions.

11. Defendant's illegal abusive collection communications as more fully described above were the direct and proximate cause of severe emotional distress on the part of Pam.

CLAIM FOR RELIEF

12. Pam repeats and realleges and incorporates by reference to the foregoing paragraphs.

13. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and
- (b) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and
- (c) Defendant violated §1692e(2)(B) of the FDCPA by falsely representing the services rendered or compensation which may be lawfully received by the Defendant for the collection of the alleged debt; and
- (d) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take.

14. Defendant's acts as described above were done intentionally with the purpose of coercing Pam to pay the alleged debt.

15. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff PAMELA ALESHIRE for actual damages, statutory damages, and costs and attorney fees.

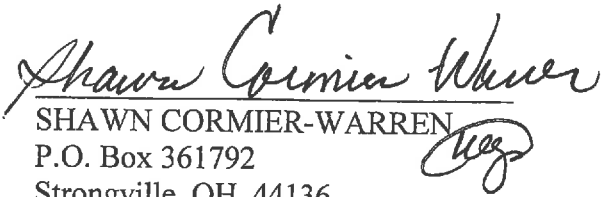
WHEREFORE, Plaintiff PAM ALESHIRE respectfully requests that judgment be entered against defendant Financial Recovery Services, Inc. for the following:

- A. Actual damages from each Defendant pursuant to 15 U.S.C. § 1692k(a)(1) for the emotional distress suffered as a result of the intentional and/or negligent FDCPA violations, in an amount to be determined at trial and for Plaintiff.
- B. Statutory damages pursuant to 15 U.S.C. § 1692k.
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- D. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff PAM ALESHIRE demands trial by jury in this action.

This 5th day of April, 2012.

BY: 
SHAWN CORMIER-WARREN
P.O. Box 361792
Strongsville, OH 44136
Phone: (216)401-8714
Email: shawnlawmom@yahoo.com

Attorney for Plaintiff

Of Counsel to:
Alex Simanovsky & Associates, LLC
2300 Henderson Mill Road, Suite 300
Atlanta, GA 30345
Phone: (770) 414-1002, Ext. 1012
Fax: (770) 414-9891